United Nations A/67/L.76

General Assembly

Distr.: Limited
13 August 2013

Original: English

Sixty-seventh session
Agenda item 74
Report of the International Criminal Court

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Report of the International Criminal Court

The General Assembly,

Recalling its resolution 66/262 of 29 May 2012 and all its previous relevant resolutions,

Recalling also that the Rome Statute of the International Criminal Court[1] reaffirms the purposes and principles of the Charter of the United Nations,

Reiterating the historic significance of the adoption of the Rome Statute,

Emphasizing that justice, especially transitional justice in conflict and post-conflict societies, is a fundamental building block of sustainable peace,

Convinced that ending impunity is essential if a society in armed conflict or recovering from armed conflict is to come to terms with past crimes committed and to prevent such crimes in the future,

Acknowledging the fact that the International Criminal Court has achieved considerable progress in its analyses, investigations and judicial proceedings in various situations and cases which were referred to it by States parties to the Rome Statute and by the Security Council, and which the Prosecutor of the International Criminal Court has initiated *proprio motu*, in accordance with the Rome Statute,

Recalling that effective and comprehensive cooperation and assistance in all aspects of its mandate by States, the United Nations and other international and

[1] United Nations, *Treaty Series*, vol. 2187, No. 38544.

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regional organizations remain essential for the International Criminal Court to carry out its activities,

Expressing its appreciation to the Secretary-General for providing effective and efficient assistance to the International Criminal Court in accordance with the Relationship Agreement between the United Nations and the International Criminal Court,[2]

Acknowledging the Relationship Agreement as approved by the General Assembly in its resolution 58/318 of 13 September 2004, including paragraph 3 of the resolution, with respect to the payment in full of expenses accruing to the United Nations as a result of the implementation of the Relationship Agreement,[3] which provides a framework for continued cooperation between the International Criminal Court and the United Nations, which enables, inter alia, the facilitation by the United Nations of the Court's field activities, and encouraging the conclusion of supplementary arrangements and agreements, as necessary,

Noting the need for funding of expenses related to investigations or prosecutions of the International Criminal Court, including in connection with situations referred to the Court by the Security Council,

Welcoming the continuous support given by civil society to the International Criminal Court,

Expressing its appreciation to the International Criminal Court for providing assistance to the Special Court for Sierra Leone,

1. *Welcomes* the report of the International Criminal Court for 2011/12; [4]

2. *Welcomes* the States that have become parties to the Rome Statute of the International Criminal Court[1] in the past year, and calls upon all States in all regions of the world that are not yet parties to the Rome Statute to consider ratifying or acceding to it without delay;

3. *Welcomes* the States parties as well as States not parties to the Rome Statute that have become parties to the Agreement on the Privileges and Immunities of the International Criminal Court,[5] and calls upon all States that have not yet done so to consider becoming parties to that Agreement;

4. *Notes* the recent ratifications of the amendments adopted by the Review Conference of the Rome Statute, held in Kampala from 31 May to 11 June 2010;

5. *Underlines*, bearing in mind that in accordance with the Rome Statute the International Criminal Court is complementary to national criminal jurisdictions, that States need to adopt appropriate measures within their national legal systems for those crimes for which they are required under international law to exercise their responsibility to investigate and prosecute;

6. *Encourages* further efforts by the United Nations, other international and regional organizations and States, as well as civil society, to appropriately assist

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[2] Ibid., vol. 2283, No. 1272.

[3] Articles 10 and 13 of the Relationship Agreement.

[4] See A/67/308.

[5] United Nations, *Treaty Series*, vol. 2271, No. 40446.

States, upon their request, to strengthen their domestic capacity to investigate and prosecute crimes;

7. *Emphasizes* the importance of international cooperation and judicial assistance in conducting effective investigations and prosecutions;

8. *Recognizes* the role of the International Criminal Court in a multilateral system that aims to end impunity, establish the rule of law, promote and encourage respect for human rights, achieve sustainable peace and accomplish the development of nations, in accordance with international law and the purposes and principles of the Charter of the United Nations;

9. *Calls upon* States parties to the Rome Statute that have not yet done so to adopt national legislation to implement obligations emanating from the Rome Statute and to cooperate with the International Criminal Court in the exercise of its functions, and recalls the provision of technical assistance by States parties in this respect;

10. *Welcomes* the cooperation and assistance provided thus far to the International Criminal Court by States parties as well as States not parties, the United Nations and other international and regional organizations, and calls upon those States that are under an obligation to cooperate to provide such cooperation and assistance in the future, in particular with regard to arrest and surrender, the provision of evidence, the protection and relocation of victims and witnesses and the enforcement of sentences;

11. *Recalls* article 3 of the Relationship Agreement[2] according to which, with a view to facilitating the effective discharge of their respective responsibilities, the United Nations and the International Criminal Court shall cooperate closely, whenever appropriate, with each other and consult each other on matters of mutual interest pursuant to the provisions of the Relationship Agreement and in conformity with the respective provisions of the Charter and the Rome Statute, and shall respect each other's status and mandate,[6] and requests the Secretary-General to continue to include information relevant to the implementation of article 3 of the Relationship Agreement in a report to be submitted to the General Assembly at its sixty-eighth session;

12. *Takes note* of the latest guidance issued by the Secretary-General on contacts with persons who are the subject of arrest warrants or summonses issued by the International Criminal Court;[7]

13. *Emphasizes* the importance of cooperation with States that are not parties to the Rome Statute;

14. *Invites* regional organizations to consider concluding cooperation agreements with the International Criminal Court;

15. *Recalls* that, by virtue of article 12, paragraph 3, of the Rome Statute, if the acceptance of a State which is not a party to the Statute is required under article 12, paragraph 2, of the Statute, that State may, by declaration lodged with the Registrar of the International Criminal Court, accept the exercise of jurisdiction by the Court with respect to the crime in question;

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[6] Article 2, paragraph 3, of the Relationship Agreement.

[7] A/67/828-S/2013/210.

16. *Urges* all States parties to take the interests, needs for assistance and mandate of the International Criminal Court into account when relevant matters are being discussed in the United Nations, and invites all other States to consider doing the same, as appropriate;

17. *Emphasizes* the importance of the full implementation of all aspects of the Relationship Agreement, which forms a framework for close cooperation between the two organizations and for consultation on matters of mutual interest pursuant to the provisions of that Agreement and in conformity with the respective provisions of the Charter and the Rome Statute, as well as the need for the Secretary-General to continue to inform the General Assembly at its sixty-eighth session of the expenses incurred and reimbursements received by the United Nations in connection with assistance provided to the International Criminal Court;

18. *Encourages* further dialogue between the United Nations and the International Criminal Court, and welcomes in this regard the increased interaction of the Security Council with the Court under various formats, including the holding of an open debate on peace and justice, with a special focus on the role of the Court;

19. *Welcomes* the statement by the President of the Security Council of 12 February 2013[8] in which the Council reiterated its previous call regarding the importance of State cooperation with the International Criminal Court in accordance with the respective obligations of States, and expressed its commitment to effective follow-up of Council decisions in this regard;

20. *Expresses* its appreciation for the work undertaken by the International Criminal Court liaison office to United Nations Headquarters, and encourages the Secretary-General to continue to work closely with that office;

21. *Encourages* States to contribute to the Trust Fund established for the benefit of victims of crimes within the jurisdiction of the International Criminal Court and the families of such victims, and acknowledges with appreciation contributions made to that Trust Fund thus far;

22. *Recalls* that, at the Review Conference of the Rome Statute of the International Criminal Court, which was convened and opened by the Secretary-General, States parties reaffirmed their commitment to the Rome Statute and its full implementation, as well as its universality and integrity, and that the Review Conference undertook a stocktaking exercise of international criminal justice, considering the impact of the Rome Statute on victims and affected communities, peace and justice, complementarity and cooperation, called for the strengthening of the enforcement of sentences, adopted amendments to the Rome Statute to expand the jurisdiction of the Court to cover three additional war crimes when committed in armed conflicts not of an international character, adopted amendments to the Rome Statute to define the crime of aggression and to establish conditions under which the Court could exercise jurisdiction with respect to that crime, and decided to retain article 124 of the Rome Statute;[9]

23. *Acknowledges* the report of the Secretary-General on the work of the Organization,[10] in which it was stated that the United Nations continued to promote

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[8] S/PRST/2013/2.

[9] See International Criminal Court, document RC/11.

[10] *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 1* (A/67/1).

accountability for international crimes and advocate for further ratification of the Rome Statute and that the first judgement of the International Criminal Court, in the *Lubanga* case, constituted an important step in ensuring the accountability of those responsible for international crimes;

24. *Takes note* of the decision of the Assembly of States Parties to the Rome Statute of the International Criminal Court at its eleventh session, while recalling that, according to article 112, paragraph 6, of the Rome Statute, the Assembly of States Parties shall meet at the seat of the Court or at United Nations Headquarters, to hold its twelfth session in The Hague,[11] looks forward to the twelfth session, which is to be held from 20 to 28 November 2013, and requests the Secretary-General to provide the necessary services and facilities in accordance with the Relationship Agreement and resolution 58/318;

25. *Encourages* the widest possible participation of States in the Assembly of States Parties, invites States to contribute to the Trust Fund for the participation of least developed countries, and acknowledges with appreciation contributions made to that Trust Fund thus far;

26. *Invites* the International Criminal Court to submit, in accordance with article 6 of the Relationship Agreement, a report on its activities for 2012/13, for consideration by the General Assembly at its sixty-eighth session.

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[11] See resolution ICC-ASP/11/Res.8 of the Assembly of States Parties to the Rome Statute of the International Criminal Court.